

Message Text

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ACTION MCT-02

INFO OCT-01 ARA-10 EUR-12 ISO-00 CAB-02 CIAE-00
COME-00 DODE-00 DOTE-00 EB-08 INR-10 NSAE-00
FAA-00 L-03 SY-05 CA-01 H-01 IO-13 SP-02 SS-15
OIC-02 NSC-05 CTME-00 NEA-10 /102 W
-----130886 090606Z /16

R 081406Z AUG 78
FM USINT HAVANA
TO SECSTATE WASHDC 2764
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY MEXICO
AMEMBASSY OTTAWA
AMEMBASSY QUITO

C O N F I D E N T I A L HAVANA 2300

EO 11652: GDS
TAGS: PINR PINS EAIR CU
SUBJ: IMPLEMENTATION OF ANTI-HIJACKING DECLARATION REACHED AT
BONN ECONOMIC SUMMIT CONFERENCE

REF: STATE 186923

1. USINT CHIEF, AUGUST 7, PRESENTED BONN ANTI-HIJACKING
DECLARATION TO DR. OLGA MIRANDA, DIRECTOR OF JURIDICAL
AFFAIRS, MINISTRY OF FOREIGN RELATIONS (MINREX). USINT
CHIEF EMPHASIZED IMPORTANCE OF DECLARATION, CALLED ON CUBA TO
ADHERE TO HAGUE CONVENTION (TO WHICH IT IS NOT A SIGNATORY),
AND, IN LIEU OF THIS, ASKED FOR SOME TYPE OF PUBLIC CUBAN
AFFIRMATION OF SUPPORT FOR PRINCIPLES EMBODIED IN BONN
DECLARATION.

2. DR. MIRANDA RESPONDED THAT FIDEL CASTRO, IN HIS
OCTOBER 1976 SPEECH IN WHICH HE DENOUNCED THE US-CUBAN
ANTI-HIJACKING AGREEMENT, STATED THAT CUBANS WOULD
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PUNISH ANY HIJACKERS WHO COME TO CUBA AND WOULD RETURN
THE SEIZED AIRCRAFT. (FYI FIDEL CASTRO DENOUNCED THE
US-CUBAN HIJACKING AGREEMENT BECAUSE OF ALLEGED COMPLICITY
OF USG IN THE OCTOBER 1976 BARBADOS SABOTAGE OF A CUBANA
DE AVIACION AIRCRAFT IN WHICH MORE THAN SEVENTY PEOPLE
WERE KILLED. CUBANS REPEATED FALSE CHARGES OF USG INVOLVE-
MENT IN THE BARBADOS AFFAIR DURING WORLD YOUTH FESTIVAL

IN HAVANA, JULY 28-AUGUST 5. CUBANS GENERALLY CONDITION
RENEWAL OF THE BILATERAL US-CUBAN PACT ON US SUPPRESSION
OF CUBAN EXILE "TERRORISTS" IN US END FYI.)

3. DR. MIRANDA STATED THAT CUBA HAS NOT SIGNED HAGUE
CONVENTION BECAUSE, AS A MULTILATERAL ACCORD, IT IS TOO
BLAND AND DOES NOT SPECIFY CONCRETE SANCTIONS. CUBA PREFERS
CONCRETE BILATERAL AGREEMENTS. IN ADDITION, SHE STATED,
CUBA IS INTERESTED NOT ONLY IN AVIATION HIJACKERS, BUT ALSO
IN MARITIME HIJACKERS. (FYI: BOTH AVIATION AND MARITIME
HIJACKINGS WERE COVERED IN NOW DEFUNCT US-CUBAN AGREEMENT.
CUBANS WISH TO DETER SEIZURE OF BOATS FOR ESCAPE TO US END FYI.)

4. AS MEANS TO COUNTER HIJACKING, CUBA NOW HAS BILATERAL
ACCORDS WITH CANADA, COLOMBIA, MEXICO AND VENEZUELA PROVIDING
FOR EITHER RETURN OF HIJACKER OR PUNISHMENT IN RECEIVING
COUNTRY. AS FOR CUBAN DOMESTIC LAW, SINCE 1969, AVIATION
OR MARITIME HIJACKING HAS BEEN SEVERELY PUNISHED. DR. MIRANDA
INDICATED, THEREFORE, THAT, IF ANY HIJACKER COMES TO CUBA,
ONLY OUTCOME POSSIBLE IS: (A) RETURN TO HIS COUNTRY
OR PUNISHMENT HERE (IF A BILATERAL AGREEMENT EXISTS),
OR (B) PUNISHMENT HERE. HIJACKED AIRCRAFT WILL ALWAYS BE
RETURNED AFTER PAYMENT OF SERVICING AND FUEL FEES, SHE
SAID. (FYI DRAFT OF NEW PENAL CODE WHICH PROBABLY WILL
BE APPROVED IN DECEMBER ESTABLISHES PENALTY OF TEN
TO TWENTY YEARS JAIL OR DEATH FOR AVIATION OR MARITIME
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HIJACKING. HOWEVER, WHEN OFFENSE IS COMMITTED AGAINST
FOREIGN SHIPS OR AIRCRAFT, PUNISHMENT IS BASED ON "BILATERAL
AGREEMENTS OR RECIPROCITY". LATTER PROVISIO CONCEIVABLY MIGHT
LIMIT AUTOMATIC AND OBLIGATORY APPLICATION OF SANCTIONS, AS
DESCRIBED BY DR. MIRANDA END FYI).

5. USINT CHIEF STATED THAT, GIVEN APPARENT NEGATIVE CUBAN
ATTITUDE TOWARD HIJACKING, PUBLIC STATEMENT OF CUBAN
READINESS TO PUNISH OFFENDERS WOULD BE USEFUL CONTRIBUTION TO
STRUGGLE AGAINST TERRORISM, PARTICULARLY HIJACKING. DR. MIRANDA
PROMISED TO PASS US COMMENTS TO HIGHER AUTHORITES.

6. COMMENT: CUBAN SUPPORT FOR ANTI-HIJACKING ACTIONS,
PARTICULARLY THROUGH MULTILATERAL AGREEMENTS OR DECLARATIONS,
IS PROBABLY CONDITIONED BY HAVANA'S DESIRE TO APPEAR SUPPORTIVE
OF VARIOUS TERRORIST ELEMENTS OR POLITICAL RADICALS, PARTICULARLY
THOSE WITHIN THE PALESTINIAN MOVEMENT. WITHIN LATIN AMERICA,
CUBANS HAVE ANTI-HIJACKING AGREEMENTS ONLY WITH REGIMES WITH
WHICH THEY HAVE CORDIAL RELATIONS--PRESUMABLY ALSO TO AVOID
OFFENDING POTENTIAL REVOLUTIONARY ELEMENTS. WHILE WE
DOUBT THAT CUBANS WILL MAKE DECLARATION SUPPORTIVE OF
BONN UNDERTAKING, WE HOPE THAT THEY WILL CONTINUE TO PUT

OUT SIGNALS AND DEMONSTRATE BY THEIR ACTIONS THAT HIJACKERS ARE
UNWELCOME IN CUBA.
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